



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1041 OF 2024

Tarachand Sambhaji Bawankule and ors. -Vs-The State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms.S.P.Giratkar, counsel for the petitioner/s.
Mr.J.Y.Ghurde, AGP for respondent Nos.1 to 3
Ms. Mallika Dabholkar, counsel for respondent No.4.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE: 19th DECEMBER, 2024.

1. The learned counsel appearing for the petitioners acknowledges the receipt of the affidavit.
2. The learned AGP has served the copy of the affidavit duly sworn by the Collector, Chandrapur, along with which a report is enclosed disclosing the name of the Officers, who were manning the post of Land Acquisition Officer, who were responsible for not timely depositing the amount of compensation timely with the Civil Court.
3. We are shocked to know that even when the application is moved seeking permission to deposit the amount, the same was not tendered along with the application to the Court of Civil Judge, Senior Division. As such the act on the part of the Land Acquisition Officer is a ministerial act and there is no element of adjudication at that stage of the matter as the apportionment will be decided subsequent thereto.

4. It is brought to our notice that the amount is still lying with the PLA account and the same is loaded with interest.

5. In such an eventuality, we were expecting from the Collector to demonstrate as to the payment of amount of interest to be made to which the landowners are entitled for delayed payment of compensation.

6. The Collector, should have been sensitive to the fact that non-deposit of the amount with the Civil Court has resulted into causing financial loss (interest which should have been gained on the amount of acquisition).

7. Let the Collector make a statement on the said issue by the next date of hearing.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)